

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUN 30 2011

LAURA L. WISCOMBE,)
)
Plaintiff,)
)
vs.)
)
MICHAEL J. ASTRUE, Commissioner)
of Social Security Administration,)
)
Defendant.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA
BY Tuh DEPUTY

No. CIV-10-594-W

ORDER

On May 23, 2011, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that the Court affirm the decision of the defendant, Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), that plaintiff Laura L. Wiscombe was not disabled prior to August 5, 2008. The parties were advised of their right to object, and the matter now comes before the Court on Wiscombe's Objection to Report and Recommendation.

At this stage, the Court may "neither reweigh the evidence nor substitute [its] . . . judgment for that of the [Commissioner]" Casias v. Secretary of Health & Human Services, 933 F.2d 799, 800 (10th Cir. 1991). The Court's review is limited to whether the Commissioner's "factual findings are supported by substantial evidence," Watkins v. Barnhart, 350 F.3d 1297, 1299 (10th Cir. 2003)(citation omitted), and whether he applied "the correct legal standards." Id. (citation omitted).

The Court has reviewed the record de novo and has given careful consideration to Wiscombe's arguments, particularly her arguments regarding whether the administrative law judge ("ALJ") followed extant case law and stated with sufficient specificity the weight

he gave to the opinion of Pedro J. Lopez, M.D., for the period prior to August 5, 2008. In so doing, the Court finds that the correct law was applied and that the ALJ's decision is supported by substantial evidence. The Court therefore concurs with Magistrate Judge Bacharach's suggested disposition of this matter.

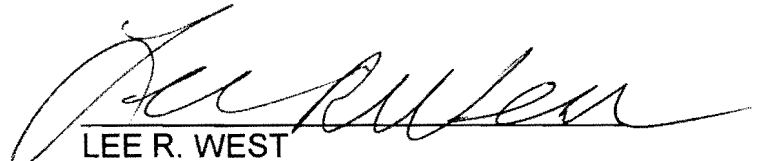
Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 20] issued on May 23, 2011;

(2) AFFIRMS the Commissioner's decision that Wiscombe was not disabled before August 5, 2008, and his decision to deny her disability insurance benefits prior to that date; and

(3) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 30th day of June, 2011.


LEE R. WEST
UNITED STATES DISTRICT JUDGE